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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JORGE IGNACIO LUNA ZUNIGA, et al.,

Plaintiffs,

-v -

WILLIAM JAMES BUSHELL CORP., et al.,

Defendants.

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GREGORY H. WOODS, United States District Judge:

1:23-cv-1923-GHW

ORDER

Plaintiffs Jorge Ignacio Luna Zuniga and Milton Danilo Sanchez Guachun filed this case on March 6, 2023, as a putative Fair Labor Standards Act collective action. Dkt. No. 1. Since then, Plaintiffs have served—and obtained certificates of default against—two of the five named Defendants. No Defendant has appeared in this case. Plaintiffs have also filed notices of consent to sue on behalf of additional would-be Plaintiffs. *See* Dkt. Nos. 8, 22. The Court notes, however, that default judgment is not normally available on behalf of opt-in plaintiffs in the absence of a properly served amended complaint that incorporates the opt-in plaintiffs' claims. *See, e.g., Suriel v. Cruz*, No. 20CIV8442VSBSLC, 2022 WL 1750232, at *6 (S.D.N.Y. Jan. 10, 2022) (citing cases), *report and recommendation adopted*, No. 20-CV-8442 (VSB), 2022 WL 1751163 (S.D.N.Y. May 31, 2022).

Plaintiff is ORDERED to submit a letter no later than June 1, 2023, updating the Court about the status of this case and how Plaintiffs intend to proceed.

SO ORDERED.

Dated: May 26, 2023
New York, New York



GREGORY H. WOODS
United States District Judge